

# MAINE STATE LEGISLATURE

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ONE HUNDRED AND EIGHTH LEGISLATURE

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**Legislative Document**

**No. 247**

H. P. 185

House of Representatives, February 3, 1977

Referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Bagley of Winthrop.

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-SEVEN

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**AN ACT to Provide Minimum Subsidy Payments for Small Administrative Units.**

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**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, there is an urgent need for some small administrative units to receive additional state aid for the fiscal year 1978 and thereafter; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

**Sec. 1.** 20 MRSA § 3743, sub-§ 13, ¶ J, as enacted by PL 1975, c. 660, § 2, is amended to read:

J. Cost of geographic isolation adjustments; ~~and~~

**Sec. 2.** 20 MRSA § 3743, sub-§ 13, ¶ J-1 is enacted to read:

J-1. Cost of adjustments for small administrative units; and

**Sec. 3.** 20 MRSA § 3744, sub-§ 1, ¶ J-1 is enacted to read:

J-1. Cost of adjustments for small administrative units;

**Sec. 4.** 20 MRSA § 3744, sub-§ 1, ¶ L, as enacted by PL 1975, c. 660, § 2, is amended to read:

L. State expenditures for each of paragraphs C ~~to~~ through K for the base year;

Sec. 5. 20 MRSA § 3744, sub-§ 1, ¶ O, as repealed and replaced by PL 1975, c. 746, § 24-C, is amended to read:

O. Optional local funds without state participation raised under section 3749 for each of paragraphs A ~~to~~ through K, including the 10% local portion of paragraphs C ~~to~~ through F or under a special hardship waiver granted by the State Board of Education, expended during the base year.

Sec. 6. 20 MRSA § 3745, 1st ¶, as repealed and replaced by PL 1975, c. 746, § 24-E, is amended to read:

The commissioner, with the approval of the State Board of Education, shall also certify annually, prior to February 1st, to the Legislature and the Bureau of the Budget his recommendation for the funding levels recommended for each of paragraphs A ~~to~~ through K and M of subsection 1 of section 3744 and for the state's maximum obligation under section 3748, subsection 4.

Sec. 7. 20 MRSA § 3746, as enacted by PL 1975, c. 660, § 2, is amended to read:

#### § 3746. Governor's recommendation

The Bureau of the Budget shall, prior to February 15th, certify to the Legislature the recommendation of the Governor for the funding levels for section 3744, subsection 1, paragraphs A ~~to~~ through K and for the state's maximum obligation under section 3748, subsection 4. The Governor's recommendation may be to reduce, increase or approve any of the funding levels recommended by the commissioner.

Sec. 8. 20 MRSA § 3747, sub-§ 3, 1st sentence, as repealed and replaced by PL 1975, c. 754, § 1, is amended to read:

Establish the basic education allocation for paragraphs A through G and subsection 5 and the appropriations for paragraphs H through ~~J~~ K and subsections 4 and 7.

Sec. 9. 20 MRSA § 3747, sub-§ 3, ¶ K is enacted to read:

K. Adjustments for small administrative units.

Sec. 10. 20 MRSA § 3748, sub-§ 3, ¶ F is enacted to read:

F. A unit may qualify for a small unit subsidy adjustment if:

(1) It is operating an elementary school with 25 pupils or less in kindergarten through grade 8 during the school year immediately prior to the year of allocation, whereby it shall receive a minimum allocation for operating expenses equal to  $\frac{4}{3}$  of the state average elementary teachers' salary in the school year immediately prior to the year of allocation as determined by the commissioner; or

(2) It is not operating an elementary school or a secondary school and has 25 pupils or less in the kindergarten through grade 8 during the

school year immediately prior to the year of allocation, whereby it shall receive a minimum allocation computed by multiplying the elementary or secondary pupil enrollment on October 1st in the year of allocation by the state average elementary or secondary adjusted per pupil operating rate respectfully or the actual cost of tuition payment in the year of allocation, whichever is less.

(3) It is the intent of the Legislature that the small unit subsidy adjustment shall guarantee a minimum subsidy payment to those units which qualify and that it shall be made only after the allocations in subsections 1 and 2 have been made and the adjustments in paragraphs A through E have been made.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved.

#### FISCAL NOTE

It is projected that enactment of this bill will cost \$85,000. Small administrative units will then be guaranteed a minimum allocation.

#### STATEMENT OF FACT

Enactment of this bill will :

1. Provide additional state subsidy for small administrative units; and
2. Guarantee a minimum amount of state subsidy in the amount of:
  - A.  $\frac{4}{3}$  of state average elementary teachers' salary if an elementary program is offered locally; or
  - B. The actual cost of tuition based on the number of students on October 1st in the year of allocation if tuition is paid for either or both elementary and secondary students.